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MEMO ENDORSED

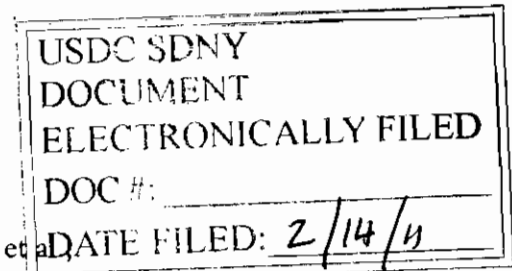
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By Hand

February 14, 2011

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Hon. Richard M. Berman
United States District Judge
United States District Court
40 Centre Street, Courtroom 706
New York, New York 10007



Re: Westport Ins. Corp. v. The Hamilton Wharton Group, et al.
Case No. 10 CV 2188 (RMB) (THK) (the "Action")

Dear Judge Berman:

Thank you for the Court's order by endorsement of February 7, 2011 (Docket Entry No. 95), which extended the defendants' time to advise the Court of their consent to be bound by the pending summary judgment motion.

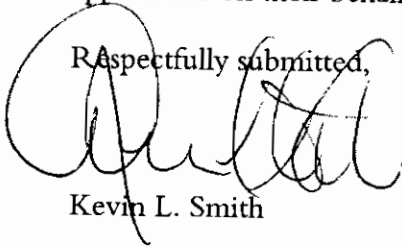
We have been in contact with counsel for the incoming 22 co-defendants, R. Scott Atwater, Esq., and he advised us that by today he expected to have obtained the consent of all of his clients except for (1) B&H Healthcare Services, Inc. d/b/a Nursing Personnel; (2) Bronxwood Home for the Aged, Inc.; (3) Extended Care Health Services, P.C. and (4) Holliswood Care Center, Inc. ("Holliswood").

Mr. Atwater assures us that he is proceeding with all possible diligence and speed. He does not foresee that any of the four remaining nursing homes will decline to be bound, but being a careful lawyer, does not wish to speak for them. Holliswood in particular is under new ownership, which is complicating efforts to communicate with the appropriate contacts there and obtain clear direction.

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As we previously reported to the Court on February 7th, all defendants currently before the Court have already consented to be bound. We accordingly ask the Court's indulgence, to permit Mr. Atwater further time to reach his clients, and to enter his appearance on their behalf in the Action.

Respectfully submitted,



Kevin L. Smith

cc: All Counsel of Record and incoming counsel (by e-mail)

<u>Defendants to notify</u> <u>the court by 2/22/11.</u>	
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SO ORDERED: Date: <u>2/14/11</u>	<u>Richard M. Berman</u> Richard M. Berman, U.S.D.J.